

**FRUITS AND VEGETABLES****CANNED FRUIT**

**20675. Adulteration of canned applesauce. U. S. v. 86 Cases \* \* \*. (F. D. C. No. 35486. Sample No. 61500-L.)**

**LIBEL FILED:** September 14, 1953, Western District of Oklahoma.

**ALLEGED SHIPMENT:** On or about August 5, 1953, from Sebastopol, Calif.

**PRODUCT:** 86 cases, each containing 24 1-pound, 1-ounce cans, of applesauce at Oklahoma City, Okla.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed applesauce. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** October 16, 1953. Default decree of condemnation and destruction.

**20676. Misbranding of canned cherries. U. S. v. 21 Cases \* \* \*. (F. D. C. No. 35687. Sample No. 69995-L.)**

**LIBEL FILED:** October 21, 1953, District of Wyoming.

**ALLEGED SHIPMENT:** On or about August 7, 1953, by the Utah Wholesale Grocery Co., from Salt Lake City, Utah.

**PRODUCT:** 21 cases, each containing 24 cans, of cherries at Rock Springs, Wyo.

**LABEL, IN PART:** (Can) "Leota Brand Red Sour Pitted Cherries Packed In Water Contents 1 Lb. 3 Oz. Packed by Varney Canning Inc. Plants Roy, Utah, and Veradale, Wash."

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (1), the article fell below the standard of quality for canned pitted cherries since the article contained more than 1 pit in each 20 ounces of the cherries.

**DISPOSITION:** December 18, 1953. Varney Canning, Inc., claimant, having accepted service of the libel and authorized the entry of a final decree, judgment of condemnation was entered and the court ordered that the product be released to a local hospital.

**20677. Misbranding of canned peaches. U. S. v. 677 Cases \* \* \*. (F. D. C. No. 35400. Sample No. 82092-L.)**

**LIBEL FILED:** August 20, 1953, District of Kansas.

**ALLEGED SHIPMENT:** On or about July 10, 1953, by the Southern States Canning Co., from Fort Valley, Ga.

**PRODUCT:** 677 cases, each containing 24 cans, of peaches at Topeka, Kans.

**LABEL, IN PART:** (Can) "Contents 1 Lb. 13 Oz. Oak Hill Brand Yellow Freestone Peaches Halves In Heavy Syrup Packed in U. S. A. by Markham Bros. & Company Fort Valley Georgia."

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned peaches since the article contained peach halves weighing less than  $\frac{3}{8}$  ounce; the weight of the largest peach unit in the container of the article was more than twice the weight of the smallest peach unit therein; and all peach units of the article were not untrimmed or were so trimmed as not to preserve their normal shape; and the label failed to bear a statement that the article fell below the standard.

**DISPOSITION:** October 7, 1953. The Southern States Canning Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling under the supervision of the Department of Health, Education, and Welfare.

### DRIED FRUIT

**20678. Adulteration of prunes. U. S. v. 3 Boxes \* \* \*. (F. D. C. No. 35460. Sample No. 65410-L.)**

**LIBEL FILED:** August 21, 1953, District of North Dakota.

**ALLEGED SHIPMENT:** On or about June 23, 1953, from San Jose, Calif.

**PRODUCT:** 3 boxes, each containing 12 2-pound packages, of prunes at Fargo, N. Dak.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of moldy prunes. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** October 16, 1953. Default decree of condemnation and destruction.

**20679. Adulteration of raisins. U. S. v. 9 Boxes \* \* \*. (F. D. C. No. 35492. Sample No. 56124-L.)**

**LIBEL FILED:** September 21, 1953, Western District of New York.

**ALLEGED SHIPMENT:** On or about April 3, 1953, from Selma, Calif.

**PRODUCT:** 9 30-pound boxes of seedless raisins at Buffalo, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** October 21, 1953. Default decree of condemnation and destruction.

### VEGETABLES AND VEGETABLE PRODUCTS

**20680. Misbranding of canned cut green beans. U. S. v. 38 Cases \* \* \*. (F. D. C. No. 35319. Sample No. 4646-L.)**

**LIBEL FILED:** June 18, 1953, Southern District of West Virginia.

**ALLEGED SHIPMENT:** On or about October 27, 1952, by I. N. Dovel Co., Inc., from Luray, Va.

**PRODUCT:** 38 cases, each containing 24 1-pound, 12-ounce cans, of cut green beans at Beckley, W. Va.

**LABEL, IN PART:** (Can) "Hawksbill Brand Cut Green Beans Cuts and Short Cuts With Kernels."

**NATURE OF CHARGE:** Misbranding, Section 403 (a), the vignette on the label of the article depicting a dish of string beans, predominantly cuts and short cuts, with few loose seeds was false and misleading as applied to the article, which consisted of string beans, the units of which were less than 1/2-inch in length, with a substantial amount of loose seeds.

Further misbranding, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned cut green beans since the number